

RESOLUTION NO. 3288

AUTHORIZING AND DIRECTING CONDEMNATION OF
REAL PROPERTY FOR PUBLIC STREET PURPOSES

BE IT RESOLVED by the Council of the City of Lodi **as** follows:

That the Council of the City of Lodi finds, determines and hereby declares:

(1) That the public interest, necessity, and convenience require the acquisition, construction and completion by the City of Lodi, of **a** public improvement, to wit: the widening and extending of Ham Lane **as** **a** public street in the City of Lodi from Lodi Avenue south.

(2) That the proposed improvement is **a** public **use** and is planned and located in **a** manner most compatible with the greatest public good and the least private injury and that said **use** is authorized by law.

(3) That the City of Lodi acquire the hereinafter described real property for street purposes, by donation, purchase or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid **for** property damaged resulting from the construction and maintenance of said improvement; and in the absence of **a** satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title **Seven**. Part **Three** of the Code of Civil Procedure **of** the State of California, to condemn the property hereinafter described for the purpose of taking said land for the widening and extending of Ham Lane **as** **a** public street in the City of Lodi from Lodi Avenue south, **as** described in Paragraph (1) of this Resolution.

(4) **To** acquire in the **name** of the City of Lodi, fee simple estate in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, **and** the Constitution of California relating to eminent domain.

(5) **To make** application **to** said Court for **an order** fixing the amount of such security in the way of money deposits **as** said Court may direct, and for an order permitting said City of Lodi to take immediate possession and **use** of said **real** property, or interest in **real** property, or existing improvements, **as** **a** right of way for public **use**; to make deposit of such security **or** moneys in such amount **so** fixed and determined and in such manner as said court in which such proceedings **are** pending may direct.

The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvement is situate in the City of Lodi, County of San Joaquin, State of California. and is described **as** follows:

The West 40.00 feet of the following described property:

A portion of the Northeast 1/4 of Section 11, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, described as follows:

Commencing at a point on the West line of the Northeast 1/4 of said Section 11, a distance of 17 chains and 94-1/2 links North from the Southwest corner of said 1/4 section and being also at the Northwest corner of the land formerly belonging to Mary M. Bounds; thence East along the North line of the land of the said Mary M. Bounds, 39 rods, 13 feet and 10 inches; thence North, 318 feet; thence West along the South line of the land formerly belonging to Clara Roe, 39 rods, 13 feet and 10 inches to the West line of said 1/4 section; thence South 318 feet to the point of beginning.

Dated: July 16, 1969

I hereby certify that Resolution No. 3288 was passed and adopted by the City Council of the City of Lodi in regular meeting held July 16, 1969, by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL, SCHAFFER and KIRSTEN

Noes: Councilmen - None

Abstain: Councilmen - None

Leslie L. Smith
City Clerk

